



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED
04/01/2008

IN RE:

§

**EARNEST HARRIS, and
MATTIE HARRIS**

Case No. 03-44826
Chapter 13

Debtors

§

**EARNEST HARRIS, and
MATTIE HARRIS, on behalf of
themselves and all other similarly
situated Chapter 13 debtors**

Adv. No. 08-3014

Plaintiffs,

8

VS.

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**FIDELITY NATIONAL
INFORMATION SERVICES INC.
d/b/a FIDELITY NATIONAL
FORECLOSURE & BANKRUPTCY
SOLUTIONS,**

Defendant

§

**ORDER GRANTING IN PART, AND DENYING IN PART,
DEFENDANT'S MOTION TO DISMISS**

[Docket No. 8]

On February 22, 2008, Fidelity National Information Services, Inc. d/b/a Fidelity National Foreclosure & Bankruptcy Solutions (Fidelity) filed a Motion to Dismiss the Plaintiffs' Complaint. [Docket No. 8.] On March 17, 2008, the Plaintiffs filed an Opposition to the Motion to Dismiss. [Docket No. 34.] On March 21, 2008, the Defendant filed a Reply in Support of the Motion to Dismiss. [Docket No. 37.] On March 27, 2008, the Court held a hearing on the Motion to Dismiss.

On April 1, 2008, the Court made oral findings of fact and conclusions of law on the record. For the reasons stated on the record at this ruling, it is:

ORDERED that the Motion to Dismiss is GRANTED as to count one in the Complaint; and it is further

ORDERED that the Motion to Dismiss is DENIED as to count two in the Complaint; and it is further

ORDERED that the Motion to Dismiss is GRANTED as to count three in the Complaint; and it is further

ORDERED that the Motion to Dismiss is DENIED as to count four in the Complaint; and it is further

ORDERED that the Motion to Dismiss is DENIED as to count five in the Complaint; and it is further

ORDERED that the Plaintiffs shall amend their original Complaint such that count six, which seeks punitive damages, is deleted and properly included in the paragraph praying for relief; and it is further

ORDERED that the Plaintiffs shall file an Amended Complaint by no later than Friday, April 11, 2008 which sets forth only the three counts surviving this Order and also amends the request for punitive damages as described in the preceding paragraph.

Signed on this 1st day of April, 2008.



Jeff Bohm
U.S. Bankruptcy Judge